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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,082	01/11/2006	Stanislaus Martinus Petrus Mutters	4662-125	7100
23117 7590 04/24/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
LANGEL, WAYNE A				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
04/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,082

Applicant(s)

MUTSERS ET AL.

Examiner

Wayne Langel

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Rabie et al or Pevzner et al (both newly cited). Rabie et al and Pevzner et al both disclose granulators including a distribution plate, sprayers and atomizers. (See the Drawing and col. 1, line 59 to col. 2, line 60 of Rabie et al, and col. 3, line 56 to col. 4, line 26 of Pevzner et al.) The sprayers of Rabie et al and Pevzner et al would be capable of spraying a urea melt, and the atomizers of Rabie et al and Pevzner et al would be capable of introducing atomized water droplets into the fluidization gas. The difference between the granulators of Rabie et al and Pevzner et al, and that recited in claims 11-13, is that Rabie et al and Pevzner et al do not disclose that the sprayers should be mounted in the distribution plate in the apparatus of either Rabie et al or Pevzner et al. It would be obvious to mount the sprayers in the distribution plate in the apparatus of either Rabie et al or Pevzner et al, since it would be within the skill of one of ordinary skill in the art to determine a suitable location for the sprayers, so long as the sprayers remained capable of spraying the solution into the fluidized bed.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nack or Denaeyer et al (both newly cited). Nack and Denaeyer et al both disclose granulators including a distribution plate, sprayers and atomizers. (See the Figure and col. 4, line 24 to col. 7, line 17 of Nack, and Fig. 1 and col. 3, lines 25-54 of

Denaeyer et al.) Regarding claims 14 and 15, Nack discloses at col. 5, lines 40-55 that water may be employed as the liquid to be sprayed into the fluidized bed, and Denaeyer et al disclose at col. 3, lines 25-34 that an aqueous medium should be sprayed into the fluidized bed. It would be obvious to employ water as such aqueous medium. The difference between the granulators of Nack and Denaeyer et al , and that recited in claims 11-15, is that Nack and Denaeyer et al do not disclose that the sprayers should be mounted in the distribution plate in the apparatus of either Nack or Denaeyer et al. It would be obvious to mount the sprayers in the distribution plate in the apparatus of either Nack or Denaeyer et al, since it would be within the skill of one of ordinary skill in the art to determine a suitable location for the sprayers, so long as the sprayers remained capable of spraying the solution into the fluidized bed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 12, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is indefinite as to whether the claim requires that a fluid bed of urea particles be formed above a distribution plate in the granulator, since this limitation is in a "thereby" clause. The phrase "to thereby" should be changed to -- so as to -- in claim 1, line 4 to avoid this rejection. In claim 14, it is indefinite as to whether the claim requires that water droplets be introduced into the fluidization air, since this limitation is in a "thereby" clause. The phrase "and thereby"

should be changed to -- so as to -- in claim 14, lines 6 and 7 to avoid this rejection. In claim 12 "at least one of...and" is improper Markush terminology.

The other references are made of record for disclosing various fluid bed granulators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Langel/

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Primary Examiner, Art Unit 1793